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Spierenburg, Pieter

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Prisoners and Beggars Quantitative Data on Imprisonment in Holland and Hamburg, 1597-1752

*Pieter Spierenburg**

Abstract: This article discusses quantitative evidence on the inmates of prison-workhouses. It elaborates on the author's earlier work which showed that imprisonment, originally planned to solve problems of begging and vagrancy, played an increasingly important role in the penal system during the 17th and 18th centuries and that contemporaries viewed the ideal prison community as a kind of family or household. The quantitative evidence from entry books is used to answer three questions following from these observations. They refer to the imprisonment of beggars during the early years, the identity of imprisoned convicts and the economic contribution of inmates. The article arrives at the following conclusions: prison-workhouses played just a marginal role in the repression of begging and vagrancy. Convicts selected for imprisonment in Holland resembled the general criminal population, while in Hamburg most of the inmates were prostitutes. An analysis of prison terms reveals that inmates were not valued primarily for their labor power.(1)

Most historical studies of criminal justice focus either on the behavior which caused particular persons to be taken to trial or on the attitudes and policies of the agents of repression. If an investigator takes the first as his subject, the attempt at a quantitative analysis presents the biggest problems. Among the finest examples of solving such problems are Gatrell's study of the decline of theft and violence in Victorian England and Hay's article on the relationship between 'appropriation' and dearth and the aftermath of war.(2) In the Netherlands, Herman Diederiks has been active in the field of quantitative analysis of criminality.(3) Counts of punish-

* Address all communications to Pieter Spierenburg, Department of History, Erasmus University Rotterdam, Postbus 1738g, 3000 Rotterdam, Netherlands.

ments present fewer difficulties as a rule, since there is usually no dark number.(4) Problems can still arise, however, if a scholar attempts to interpret differences in penal practice between various courts. There is one element which the two approaches have in common: they are both based on court records.

The analysis in this article is based on another type of source: prison records, in particular those which I term entry books. An entry book records individual prisoners from the moment when they were committed to the prison until the moment when they left it, regardless of which court or agency condemned them to their stay. Rather than the sentencing policies of a particular jurisdiction, this type of source reflects the fate of the inmates of a particular institution. For the early modern period, hardly any work has been done on entry books. The only parallel which comes to mind is Zysberg's study of the records of the administration of the galleys at Marseille from 1680 until 1748.(5) These records also deal with individual convicts from the moment they arrived at their place of punishment until the moment they left it. But of course they refer to a type of bondage other than imprisonment. The latter is my subject and I will concentrate on two areas where the classic model of the prison-workhouse (tuchthuis/Zuchthaus) was first developed: Holland and the Hanseatic region; in particular the towns of Amsterdam, Delft and Hamburg.

This research forms part of a larger project, dealing with imprisonment from the late sixteenth century until the beginning of the nineteenth. My major contention, taking issue with such authors as Foucault, is that the history of penal systems and repression is characterized by long-term processes rather than sudden transformations. The elements of publicity and the infliction of pain underwent a gradual decline in several phases. This can be demonstrated with reference to various areas within the repression system. The theater of corporal and capital punishments, for example, became more sober during the seventeenth and eighteenth centuries already. In the Dutch Republic this was manifest in developments such as the disappearance of serious forms of mutilation in the first half of the seventeenth century and the shift from permanent stone to removable wooden scaffolds around 1700.(6) As far as imprisonment is concerned, a processual perspective enables us to acknowledge that its rise did not take place as late as the nineteenth century, as is often argued. The beginnings of the prison movement were a much earlier development and convicts, too, were sentenced to imprisonment on a more than occasional scale long before 1800. The analysis based on this observation is meant to overcome Foucault's structuralism and to contribute instead to a developmental and figurational approach as advocated by Norbert Elias.

Since this article touches on only a part of the developmental perspective, I should briefly mention the main empirical data on which it is based.

Prisons, as opposed to jails for debtors or persons under trial, were first established in England in the second half of the sixteenth century. The prison movement gained momentum in the Dutch Republic around 1600, from where it spread to the Southern Netherlands, the Hanse region and elsewhere in Europe. During the seventeenth and eighteenth centuries ever more prisons appeared on the European scene and their role in the penal system became increasingly prominent.(7) In Amsterdam condemned criminals had been confined from the beginning and by the eighteenth century the court resorted to imprisonment in about a third to one half of its sentences.(8) In Hamburg, as we will see later, a separate spinhouse for female and male convicts, who were considered tainted by infamy, was opened in 1669. In a number of small towns and rural districts in the Dutch Republic from 1700 to 1811 imprisonment accounted for 15% of court sentences.(9) The spread of penal imprisonment in the Empire and the Habsburg lands in the eighteenth century is confirmed by several authors.(10) By the middle of that century Parisian prostitutes were routinely confined in a maison de force, while in France as a whole labor camps had taken the place of the galley system.(11) To argue that the prison movement set in long before 1800 is not to say that people's attitudes and the ideology sustaining imprisonment in the early modern period were identical to what they would become in the nineteenth century. In this respect the early modern period differed on at least one crucial point. The evidence on carceral institutions and their inmates confirms the importance of the family as a model for the proper way of life in preindustrial Europe; a contention made by most other historians of mentalities as well. Contemporaries viewed the idealized prison community as a kind of morally regenerating family and the institutions were actually run as complex households. This is my second major thesis regarding early modern imprisonment. The evidence for it is largely qualitative and in this case, too, it is not discussed in this article. First of all, the family model can be inferred from terminology. Paternalistic names for the wardens and work-bosses were quite common. They were called binnenvader in the Netherlands and Hausvater in many German Zuchthäuser (although in the latter institutions less so in official parlance). The inmates were considered pseudo-journeymen rather than pseudo-children. Next to fathers there were mothers. When a new work-boss was hired in a Dutch prison, he had to be married and the character of his wife was taken into consideration as well. In Hamburg the widow of a deceased Oeconomus temporarily took care of the job on her own, but she was bought off when she declared to have no intention to remarry. Finally, the prison environment served as a surrogate family for those black sheep whose own families had petitioned to the magistrates to have them confined for some time in order to mend their ways.(12) Here we are concerned with quantitative data, which come

into play in the case of a thesis directly derived from the one about the family. My postulation of the centrality of the family or household model also serves as an alternative to the economic interpretation of early modern imprisonment, according to which the expectation of some sort of financial or material profit formed the main impetus behind the rise of prison-workhouses. The evidence to the contrary again comes from several sources, but also from entry books. Other sources include financial records, from which we can definitely conclude that there were no profits. The Haarlem tuchthuis, for example, operated at a loss throughout the seventeenth and eighteenth centuries. The sales of prison products were always problematic; urban magistrates often tried to force the boards of other public institutions to buy these products. Measures to counter the deficit consisted of the organization of lotteries and the institution of special taxes.(13) However, we can still raise the question to what extent certain prisoners were seen as valuable workers. The quantitative evidence from entry books may contain a clue.

Finally, another thesis of my overall project holds that imprisonment became increasingly associated with the penal system. At first, prison-workhouses were multi-purpose institutions and they were seen as part of the poor-relief system. Their foundation implied an intensification of the repression of marginality: the earliest ordinances almost unanimously singled out beggars and vagrants as the main potential inmates. It was only later that there was more frequent talk of convicts in connection with imprisonments 14) Although this process is not reflected that neatly in the extant entry books, two relevant questions arise: what can we learn from these records about the identity of the prisoners, and are there figures for the imprisonment of beggars?

I will attempt to answer the three questions with respect to quantitative evidence in the reverse order, dealing first with beggars and imprisonment, then with the identity of prisoners and finally with prison terms.

Beggars and imprisonment

Although the association of prison-workhouses with the combat of begging is relatively well-known, as we now know quite a lot about the general background concerning the change of mentalities with regard to poverty and marginality, it is still surprising, however, that no historian has presented concrete data on beggars actually going in or out of prison during the early years of imprisonment. Primarily, this is a reflection of the paucity of the sources. An Amsterdam register, however, which I discovered hidden away in the spinhouse archive, sheds some light on the matter.(15) It is not a prison entry book but another type of document. Basi-

cally, it lists every stranger found in the city without work. It covers a period from 7 October 1597 until 27 October 1598 (with a few marginal listings of 'recidivists' in 1599) and numbers its entries from 2747 to 4489. The letter »D« on the front cover of the register suggests that it has been the fourth in a series (in which case the preceding three must have been less voluminous). Although its method of numbering is not entirely consistent, it provides a clear indication of the total of entries. It so happens that the Amsterdam magistrates had appointed two commissioners to deal with licensed begging in January 1596, simultaneously with the opening of the rasphouse. These officials each supervised one of the two areas into which the city was then divided and no one was allowed to beg without a ticket issued by them.⁽¹⁶⁾ The register I discovered must have belonged to their archive. However, there are no indications to decide whether it lists all unemployed migrants who reported themselves or only those who appeared before one of the two commissioners.

I took a sample consisting of every fifth entry (N = 400; recidivists, who were not numbered, included). Men outnumbered women by 55% to 45%; their mean ages were 33.6 and 36.1 years, respectively. If we divide the total population into age groups (10.5% missing excluded), the results are as follows:

Table 1

Distribution of age groups among unemployed migrants in Amsterdam, 1597-9

Age group	% men	% women	% total
under twenty	15.3	4.5	10.6
in their twenties	32.5	33.5	33.0
in their thirties	19.2	31.0	24.3
in their forties	14.3	16.1	15.1
in their fifties	9.9	5.8	8.1
sixty or older	8.9	9.0	8.9

The major conclusion to be drawn from the register, in the context of a study of imprisonment, is that so very few of the persons who appeared before the commissioners were in fact confined. Table 2 presents the decisions made about them (27% missing cases excluded).

Table 2

Decisions on unemployed migrants in Amsterdam, 1597-9

	% men	% women	% total
Incarceration	2.7	3.7	3.1
Ordered to leave town	65.4	57.9	62.7
Permission to beg for some days	20	31.8	24.3
Other decision	11.9	6.5	9.9

Thus, the sample contained only nine cases of imprisonment: six men, two women and one person whose sex could not be ascertained. This points at an incarceration rate of forty-two beggars per year. Since Amsterdam, as an exception, had two separate prison-workhouses, the rasphouse for men and the spinhouse for women, these were the places where male and female beggars should have been taken to. However, the two incarcerated women and four of the other persons were simply confined in a 'dungeon'. Only three men in fact were sent to the rasphouse. If we restrict ourselves to the latter institution, we may conclude that about fourteen male beggars per year were committed there. This is a modest number but it is still larger than that of the five men who, according to Jüngen's research, were sentenced to the institution by the city's court in 1600. Admittedly, as a rule, convicts stayed in prison for a longer period than beggars did. I assume that the average term for the latter was about four months, which is suggested by the 1655 figures discussed below. At least the average term in 1597-8 is not likely to have been longer. This means that at any one time there cannot have been more than about five men in the rasphouse who were committed there by the commissioners of licensed begging. There is of course the possibility that the register from which I took my sample was kept by just one of the commissioners and hence deals with one half of the marginal population. Then we arrive at a figure of about ten beggars in the rasphouse. Now we happen to know the total inmate population in 1597 and 1598, which was given as between sixty and seventy and seventy, respectively.⁽¹⁷⁾ Together, the convicts and the beggars committed by the commissioners do not add up to seventy at all; certainly not if we realize that the institution had been opened in 1596. This might imply that the overwhelming majority of inmates consisted of prisoners committed upon a request by their relatives. However, there is an alternative hypothesis. Unlicensed beggars, and unemployed vagrants generally, were hunted in Amsterdam by a special team of provosts. Although the latter did turn up in the records of the commissioners of licensed begging and hence did not operate completely independently from these commissioners, it is still pos-

sible that they also made arrests by themselves, personally delivering beggars and vagrants at the gate of the prison-workhouse. In that case, marginals arrested by the provosts might have made up a significant proportion of the rasphouse population, possibly numbering thirty or more at any one time. That many inmates were beggars at the beginning of the seventeenth century is suggested by literary sources such as Pontanus(1611) and the Historie der Wonderlijke Mirakelen (1612).(18) If my supposition is correct, there must have been a dual system in operation. The commissioners dealt with unemployed migrants who stated they were looking for work and, apparently, this group counted few 'deviants' whom the officials thought deserved a spell of forced labor. The provosts chased after vagrants who fitted the stereotype of the lazy beggar. This group consisted of the persons who had not reported themselves to the commissioners or had disobeyed their order to leave town.

None of those imprisoned by the commissioners were in their twenties, but, for the rest, all age-groups were involved. One fifth of all persons recorded in the register, including a few men, had children with them and this group did not go to prison. Significantly, the nine prisoners were all mentioned for the first time; repeat was apparently no criterion to be selected for incarceration. This suggests that an assessment of the person's character, based on stereotypical notions about licentious beggars, determined the decision whether to commit him or her to prison or not. Presumably, the commissioners' prisoner were similar in character to the group of persons arrested by the provosts, but the former had not failed to report themselves.

For a later period there is a possibility to use entry books to study the imprisonment of marginals, but also in this case there are problems. From 1654 onward, beggars and vagrants arrested in Amsterdam were no longer taken to the rasphouse or spinhouse, but to a new workhouse. The problem is that delinquents, too, were committed to this institution. Its entry books, a series suddenly ending when it was exactly one hundred years old, have been preserved. In 1942 Oldewelt published figures on the annual numbers of entries, which provide a rough indication of the number of marginals arrested in the city.(19) They fluctuated between extremes of 522 in 1670 and 57 in 1706. No correlation with such factors as years of high prices or the aftermath of war is apparent.(20) The number of arrested marginals must have depended on shifting preferences at the side of repression, which remain largely unknown.

For a further analysis, I took a sample of entries in three periods of two years, at the beginning, the middle and the end of the period covered by the records. Unfortunately, it turned out that marginals, as opposed to delinquents sentenced by the court, could only be identified for the first period, when they had »for begging« added to their name. The following

figures, therefore, refer to the years 1655-6 only (including a few marginal entries of recidivists in 1657-60). The marginals arrested in those years numbered 318; 53% men and 20% recidivists. The mean age of the men was 32.9, that of the women 40.4. Terms were set for 53.8% of the men (mean: 11.2 months), while another 19.3% had to stay until they were ready to go to the Indies. No shortening of terms was recorded. The average actual length of the men's stay was 97 days, but this figure includes twenty men who were taken to the workhouse by the provosts and sent away immediately. The corresponding figures for the women were: term set for 48%; 28.3% to the Indies; mean term of 8.4 months; average actual length of stay: 138 days; twenty-two sent away. Table 3 lists the modes of exit.

Table 3

Modes of exit of marginals imprisoned in the Amsterdam workhouse, 1655-60

mode of exit	% men	% women	% total
Expiration of term	18.1	33.6	25.4
Released	49.1	52	50.5
Signing on a ship	5.3	-	2.8
Escaped	9.4	1.3	5.6
Ill or pregnant	4.1	4.6	4.3
Deceased	0.6	2	1.2
Missing	13.5	6.6	10.2

Thus, about half of all beggars and vagrants committed to the workhouse were released before their term had expired or simply because they had no term set. This phenomenon will appear to be even more important in the discussion on the imprisonment of convicts. Interestingly, the sex ratio among this population hardly differed from that among the unemployed migrants of 1597-8. The mean age of the women of 1655-60 was four years older than their earlier counterparts. The total number of arrests indicates that about seventy male marginals per year were committed to prison in this period. This is a lesser number when compared with my guess for the combined group of persons turned in by the provosts and committed by the commissioners to the rasphouse in 1597-8, even though the city had grown considerably in the meantime. If my suppositions are correct, they point at a declining imprint of marginals on prison life.

Apart from being committed to the workhouse directly, a minority of marginals were formally tried. Faber's and my own investigations in the Amsterdam court records, though not complete, provide an indication. Since 1614 the legal rule was that persons picked up by the provosts were imprisoned without interference by the court upon their first, second or

third arrest. When arrested for a fourth time, they were to be criminally tried.(21) This happened to just a few, which was probably caused by the high degree of geographic mobility of committed for a fourth time or more. It was only during two brief periods in the middle of the eighteenth century that relatively large numbers of beggars were suddenly handled by the court instead of being imprisoned without a trial. In normal times criminal sentences for beggary or vagabondage were imposed in two types of situations. The first was when beggars were considered especially impertinent or threatening. The second was when they had been arrested under suspicion of theft or other crimes and these could not be proved. In such cases they were condemned for beggary or vagrancy after all. The court's interference with the treatment of marginals did not lead to a reinforcement of the imprisonment solution. In the majority of cases the criminal sanction for begging or vagabondage was banishment, while occasionally a scaffold punishment was imposed. Those sentenced to a scaffold punishment in Amsterdam for vagrancy alone were all gypsies.(22)

The identity of prisoners

From beggars we turn to convicts sentenced to imprisonment. Next to the records of the Amsterdam workhouse, entry books are extant for three of the prisons figuring in my over-all research project: for the Delft tucht-huis and the Amsterdam and Hamburg spinhouses. The latter of these had been opened as a separate prison (in addition to the older Zuchthaus) for »whores and thieves« in 1669. I studied its entry books for the first four decades, 1669-1708 (the years referring to the date of entry; the last exit took place in 1736). During that period there were 829 entries involving 679 different persons. There were 113 recidivists who were committed for the second time and some for the third and so on to one who was in six times. Contrary to what this prison's name suggests, men were also admitted there. In the period studied, however, they formed a definite minority (9%), so that it would be redundant to split up the Hamburg figures into a male and female group. As explained above, the Amsterdam spinhouse was for women only. The series of entry books which has been preserved begins in 1678, and I studied the first book, ending in 1725.

The Delft figures need a brief introduction. Although the town had a spinhouse in the 1620's, this was closed again in 1645. In 1670 the magistrates decided to separate the administration of the orphanage from that of the madhouse and to combine the latter with a new tuchthuis instead. Although this tuchthuis was opened separately in 1675, the combination with the madhouse was put into effect two years later. An ordinance was promulgated and 1677 was taken to be the year of the new institution's

foundation. It stood at the site of the old hospital of St. George, because of which it was generally referred to as Sint Joris.⁽²³⁾ Thus, Sint Joris was never exclusively a criminal prison. This multi-purpose institution resembled the French hospitaux généraux to a certain extent, where various sorts of undesirables were lodged together. Nevertheless, it harbored an important prison-workhouse, also admitting condemned criminals and in the eighteenth century this became a supra-local prison with convicts entering from many jurisdictions in Holland. The institution's internal administration seems to have recognized three categories of inmates: dollen (the mad), bestedelingen and tuchtelingen. The mad were kept apart and the records seldom refer to them. The distinction between the second and third categories is not entirely clear though. Certainly bestedelingen were private prisoners whose board was paid, but persons committed on request were also among the third category, together with criminal offenders. We might suppose that only the tuchtelingen performed forced labor, but the records contain references to bestedelingen who worked too. Possibly, they received lighter work. The tuchtelingen were registered in separate entry books, which have been preserved for the period 1675-1752.⁽²⁴⁾ Since we now want to deal with convicts, our attention must be focused primarily on the population of condemned criminals. In the case of Hamburg, they are easily identified, making up 744 cases out of 829. The following tables only refer to that group. The entry book of the Amsterdam spinhouse (N - 1510), unfortunately, does not differentiate between women condemned by the court and private prisoners. Every woman was recorded to have been committed by schepenen (the judges), but, for a minority, this must have referred to the college's consent to a private request. In the case of Delft, it was possible to discriminate by a detour. As a rule, those whose entry into prison had been consented to by »the Weth« (an enlarged college of magistrates) were committed at the request of their relatives. Together with a few others, they make up the population of private prisoners (N • 201; in 88 cases the consenting agency is missing). The population of convicts (N — 229) consists of those condemned by the courts of Delft, Delfland or other jurisdictions in the Republic. Only those convicted figure in the tables; 159 were men and 70 were women.

Next to the distribution of the sexes, determined in part by the character of the institution, the distribution of age-groups forms the other major variable disclosing the identity of the prisoners.

Table 4

Ages of prisoners at entry (%)

Age-group	Hamburg spinhouse 1669-1708	Amsterdam spinhouse 1678-1725	Delft <u>tuchthuis</u> , 1675-1752	
			convicted men	convicted women
under 20	19	11	4	3
20-29	57	54	24	33
30-39	17	23	22	24
40-49	4	8	32	33
50-59	2	3	10	6
60+	1	1	8	-

It should be noted that the percentage of missing cases is 3.4, 7.7, 68.6 and 52.9, respectively. That may partly explain the differences between Delft and the spinhouses in the distribution of age groups. The mean age of male and female convicts was 37.9 and 35.4 at Delft and 29.2 and 25.4 at Hamburg; at Amsterdam it was 28.4. But these differences are not due entirely to the missing cases. The Delft prison log-book, too, conveys the impression that many convicts were committed there who already had a career of crime behind them and, for example, had been banished a few times previously. Interestingly, this makes them comparable to the group of unemployed migrants in Amsterdam in 1597-8, many of whom must have had a career of begging and temporary jobs behind them (although a larger share of them was under twenty and a smaller share in their forties). The distribution of age-groups in the Amsterdam and Hamburg spinhouses, on the other hand, was comparable to that among any population of preindustrial offenders generally. Apparently, their inmates were people who might just as well have been condemned to another punishment.

The distribution of offenses in entry books is a function of the authorities' sentencing policies as well as the character of the prison in question. As an extra possibility for comparison, table 5 includes figures from Michael Frank's forthcoming study of the zuchthaus in the German county of Lippe at Detmold. They cover the years 1770-80 and used here to take the place of the Amsterdam spinhouse, in whose entry books offenses are mentioned in only 3.3% of the cases.

Table 5

Types of offenses among prisoners

Category of offenses	Hamburg spinhouse 1669-1708	Delft <u>tuchth.</u> convicted men	1675-1752 convicted women	Detmold <u>zuchth.</u> 1770-80
Morals	68.3	6.9	22.9	34.6
Property	21.4	24.1	34.3	48.1
Vs. authority	4	34.5	31.4	9.7
Violence	3	24.1	5.7	7.6
Combination	3.3	10.3	5.7	-

At Delft, to be sure, the percentage of missing cases is also high (men: 63.5%; women: 50%). This is caused by the near-absence of information on the offenses of those condemned outside the town. The percentages, therefore, provide an indication of the sentencing policies of the Delft court only.⁽²⁵⁾ On the whole, the distribution of categories does not deviate markedly from the general picture derived from studies of court records in the Netherlands. Thus, although the Delft prisoners were experienced criminals with respect to their age, their crimes were comparable to the crimes of lawbreakers sentenced to alternative punishments.

The Hamburg figures call for a little more comment, especially since court records are not available for that town. In the entry books only 6.3% of the offenses are missing. The information we do get, however, is provided only summarily. Most prisoners were simply called »eine hure« or »ein(e) dieb(inne)«, just as in the institution's ordinance. The group of morals offenders consists almost exclusively of women denoted as whores. It cannot be said with certainty whether they were all professional prostitutes. The sources leave the impression of a little terminological confusion between promiscuous living, extra-marital pregnancy and prostitution, although this distinction was explicitly adhered to sometimes. That many imprisoned women were indeed professional prostitutes is suggested by the fact that 36.3% were suffering from syphilis so heavily that they were taken to the pockenhaus for a cure during their stay (making up 93% of all convicts temporarily sent there). The others, too, had been condemned in fact by the praetors (the lower court) or the senate (acting as supreme court). It is the contemporary authorities who define which activities are crimes and the spinhouse was a criminal prison. The dominance of prostitution there indicates which type of offenders were selected for one possible penal sanction.

The criminal status of the group of property offenders is less ambiguous. Most of them were called thieves, while a few women were condemned for swindling. There was also at least one organized band, with two couples at

the center and consisting of seven people, a few born in Hamburg and others in Danzig, Amsterdam and Antwerp.(26) Offenses in the authority group included child abandonment, bigamy and blackmail. Those condemned for violence were often committed to prison even in cases of mere attempted violence or because of attenuating circumstances. Most prisoners with the 'combination' code were guilty of prostitution and theft simultaneously.

Another summary indication in the Hamburg entry books provides an unambiguous picture of the prisoners' criminal status. Throughout the German-speaking world, it was considered a permanent mark of dishonor to have been touched by the executioner personally. The identity of the person escorting the prisoner to the house and the additional punishments to which she or he had been subjected were usually recorded. Together, the overwhelming majority can be grouped into three main categories: escorted by an honorable person, usually a court servant; escorted by the executioner or his servant; subjected to a corporal penalty by the executioner and escorted to prison by him. Table 6 presents the results (4% missing excluded).

Table 6

Additional punishments and dishonors for Hamburg prisoners (1669-1708)

type	%/ men	%/ women	total
Escorted by an honorable person	12.5	64.9	60.2
Escorted by the executioner	20.3	21.4	21.3
Executioner & corporal penalty	64.1	12.8	17.4
Other	3.1	0.9	1.1

About two fifths of all prisoners were dishonored. The first and third categories mirror each other perfectly with respect to their share among men and women. Clearly, male prisoners were more often subjected to a corporal penalty in addition to their confinement. Usually, this meant flogging, public or in jail, for men as well as women. Some were also branded and Anna Sophia Dirckes, a swindler, had her ear cut off in 1686. She died in the house in 1720: the longest stay recorded.(27) These figures confirm that the Hamburg spinhouse was considered an infamous institution.

To conclude, as a group, convicted prisoners in Hamburg and Delft clearly had a criminal status. Marked deviations from what we know of the general population of lawbreakers concerned the age of prisoners at Delft and the type of offense at Hamburg. In the latter town imprisonment as a penal option was largely reserved for prostitutes. This must have changed in the 1720's, from which period on men were committed to the Hamburg spinhouse in equal numbers. The Amsterdam spinhouse formed a special case, because it was an exclusively female institution from the beginning.

Little information could be derived from its entry book, except in the case of the age of inmates.

Prison terms

Before considering prison terms as such, it is useful to inquire into the reason why a convict left prison. This is a piece of information which can only be derived from entry books and seldom from court records. The modes of exit recorded for various institutions, can be grouped into six broad categories.

Table 7

Modes of exit of prisoners

Mode of exit	Hamburg spinhouse 1669-1708	Amsterdam spinhouse 1678-1725	Delft <u>tuchth.</u> conv. men	1675-1752 conv. women
released with consent	62.1	18.9	18.6	14.6
released at expir. of term	21.9	71	36.3	64.6
released for special reason	2.9	7.6	2.6	-
taken to pesthouse/ hospital	5.5	0.1	-	-
deceased	3.8	1.8	14.2	12.5
escaped	3.8	0.6	28.3	8.3

The theme of escape largely belongs to the subject of internal life, which is not discussed in this article. It must have been easier to escape from the Delft prison, where one out of twelve women fled, than it was from the others. The relatively high death ratio in the Delft tuchthuis was obviously related to the fact that no one was taken to a hospital there. In Hamburg it was often recorded that the prisoner had died a few days after his arrival in the pesthouse. Only one convict transferred there later returned as a recidivist. A variety of special reasons for release were recorded in Hamburg. A few women there were set free when a potential husband presented himself. Male prisoners were pardoned sometimes on the condition that they enlisted in regiments of Hamburg's allies. Two of them, to be sure, did so after a stay longer than their term.(28) Release on the condition of enlisting in the navy or signing on a ship was also recorded in Amsterdam a couple of times.(29) The Delft magistrates, on the other hand, replied to requests from the army and navy in 1696, that they allowed no condemned

criminals to leave before their term had expired.(30) The differences with respect to the first two possibilities are not as marked as they seem. The code 'expiration of term' was given when this had been mentioned explicitly or was known to be so. The cases with the code 'consent' include those in which the term was missing or not recorded to have been imposed. The two possibilities, therefore, are not unambiguously distinct. It is only in Hamburg that a prisoner was often reported to have been set free upon her own request or that of others. In a number of these cases, the expiration of her term was almost due or had even passed. This leads us to the terms set and their relationship to the actual length of stay. Table 8 presents the figures for the convicts in the respective institutions (those with life sentences, who were only a few everywhere, excluded).

Table 8

Term imposed vs. actual length of a stay in prison

	Hamburg spinh. 1669-1708	Amsterdam spinh. 1678-1725	Delfttuchth. 1675-1752	
			conv. men	conv. women
Average term (in months)	46.3	7.1	138.6	101.9
Aver, actual length (months)	30.9	18	63.9	84.1

The differences between Delft and the spinhouses are marked again. They are largely due to the imprisonment of more serious convicts in the former town. The female convicts there had received relatively heavy sentences too. The high incidence of escapes among the males explains why the average stay of the women was longer yet. The few men imprisoned at Hamburg had an average term of 122 months, while the actual length of their stay averaged 54 months.

But requests, special circumstances, escape and death were not alone responsible for the differences between the original term that was set and the actual length that was served. To explain this, we have to pay attention to a system of prison discipline invented in Amsterdam. As Amsterdam was the first European town with a criminal prison, it was also the first to experiment with a system whereby a convict's behavior inside might influence his original sentence. He could earn afslag (reduction), as it was called. The invention and elaboration of this system cast doubt on the supposition that the lengthening and shortening of prison terms were equally common. That is suggested by Georg Rusche. »The length of confinement was, therefore, arbitrarily fixed by the administrators in all cases except those voluntarily committed by their relatives.«(31) Based on scanty evidence, he thought that minor offenders were often kept for years, while

more serious delinquents could be released in a few weeks. He interpreted this within the context of his economic view of prison-workhouses, arguing that the administrators were keen to retain strong inmates or those in whom an investment in the form of training had been made. In the Dutch Republic, however, it was rather the other way around. For one thing, it was precisely in the case of confinement at the request of relatives that a prolongation of the prisoner's term was very common. Second, it was only in the case of marginals taken from the streets that the administrators themselves were allowed to determine the length of a stay. In all other cases the court did so in advance, based on penal considerations and, likewise, only the court could change a term. When it prolonged a person's stay, this was not simply the opposite of reduction. In fact, lengthening a prisoner's term was the same as sentencing him to a new imprisonment. This occurred only after serious misdeeds during his first stay, which counted as punishable offenses in their own right. In such cases the prisoner was always formally tried for his new offense.⁽³²⁾ Thus, a lengthening of term was a new punishment, while reduction was a tool of prison discipline.

The contrast between the length of the original term and actual length of stay which is found in the entry books enables me to test Rusche's thesis about the arbitrariness supposedly involved. In the Amsterdam spinhouse 3.9% stayed after the expiration of their term, while at Delft this was 3.3%. In the latter town they were all persons committed by relatives, save for three special cases. That may also have been true for the women in the Amsterdam spinhouse. As the system of reduction spread from the male prison in the Dutch metropolis to other institutions in the Republic, shortened stays became common. The entry book of the Amsterdam spinhouse refers to a shortening of their term for 34.6% of the inmates. The total amount ranged from one to 170 months, but two thirds of the women involved received a year or less. The corresponding figures at Delft are 10.1% for male convicts (ranging from 4 to 96 months) and only 1.4% for female convicts. Some under-reporting may have played a part here. On the other hand, the magistrates' unwillingness to hand over prisoners to the military in 1696 suggests that they wanted them to serve their full term. If so, they had changed their minds forty years later, when they recommended the practice of reduction to other courts. Since this was toward the end of the period covered by the entry books, it hardly had an effect there.

A systematic shortening of terms was not a practice adopted in the Hanseatic towns. In the Hamburg entry books only two cases were recorded. The senate determined in 1700 that a woman who had been condemned for life had to stay for eight more years if she behaved well.⁽³³⁾ In 1715 a male convict was granted a reduction of five years, also upon a

senate's decree.(34) There are no figures for Bremen, but, at the end of the eighteenth century, the magistrates expressly rejected a proposal to adopt the system. While recognizing its advantages, they argued that orderly behavior in prison should be self-evident and that making the penalty of imprisonment so light would be an injustice to those condemned to death.(35) In Pforzheim in Southern Germany, on the other hand, convicts were regularly released without having served their full term, sometimes because of overcrowding, but also for good behavior.(36) In Hamburg a number of inmates of the spinhouse were kept beyond the expiration of their term. Since this may be taken as a confirmation of Rusche's thesis, the figures for this city must be considered in closer detail. In fact, it was all or nothing in Hamburg. A considerably larger number of prisoners stayed for a shorter time than their term. Instead of reductions, pardons were common. In some cases, they were granted for betraying escape conspiracies, but, more frequently, they were triggered off by a request. During the house's early years some of these requests were recorded in the log-book, with remarks of 'consented', 'refused', 'taken into consideration' or 'has to stay' added without further motivation.(37) The entry books do not provide this information; they just mention the eventual pardons. No reasons were ever given for keeping prisoners too long.

Let us first look at the reasons for a pardon. When it was requested by someone other than the prisoner, the petitioner usually stated his readiness to assume his responsibilities. Then it was 'her husband/ father/ mother is prepared to take her back' or 'his brother/ uncle wants to take care of him' or 'her previous master promises to supervise her better'. In one case a woman was released to visit her mother at her death-bed and to take care of her aged father.(38) It is in line with such reasons for pardon that it was often recorded whether the parents or the husband of an inmate were alive or dead. This provides a clue already. The Hamburg magistrates cherished the household model even more than their colleagues in Holland did, both within and without. As the prison was a surrogate family environment, it could only be left for a real family. On the other hand, financial considerations were involved too. A couple of times, relatives pledged themselves to pay a sum of money if the convict, released and banished, would come back to town.(39) The freedom of some prisoners was thus more or less bought. Monetary presents upon discharge, by inmates or their relatives, were recorded several times (in one case, ten barrels of beer). These were often called voluntary gifts out of gratitude for a release; sometimes they were called a recompense. In one case, five taler were for the house, while the oeconomus received three and the porter and the master of discipline one and a half each.(40) In a few cases, finally, it was indeed said that the prisoner was set free because he or she was weak and unable to work; with one, to be sure, after he had been bed-ridden for four years.(41) But these

were minority-cases. Thus far, the sources do provide a suggestion of what determined the length of a prisoner's stay: those serving their full term or even staying after its expiration were unable to marshal the help of relatives or to get other means of support.

There is a possibility to put the thesis of an economically determined arbitrariness and my alternative hypothesis to a quantitative test. For this, I am confronting the group of convicts who stayed beyond the expiration of their term with the group released earlier. Those whose stay ended by escape, death, transfer to the pesthouse or to jail had to be excluded from this computation. Also, I did not want to quibble with the officials involved and granted them a margin of one month. Too long' and 'too short' were defined as a difference (- or +) between the original term and the actual length of stay of over 30.5 days. The terms, which had been coded in months, were multiplied by 30.5. With this definition, fifty-two prisoners, 7% of the convict population, fell into the after-expiration group. There was a broad and relatively regular range, with two of them staying more than three years longer. The mean in this group was 294 days. The before-expiration group consisted of 325 prisoners (43.7%). The largest difference between term and actual length here was sixteen years and eight months. The mean was two years and 156 days.

If a prisoner's labor power influenced the outcome, we would expect the two groups to show marked differences with respect to certain other variables. As it turns out, this is not the case.

Table 9

Hamburg prisoners released before or staying after the expiration of their term (1669-1708)

Characteristic	before expiration group	after expiration group
Average actual length of stay (months)	26.6	31.2
Average term to begin with (months)	55.3	21.6
Average age at entry	25.09	25.11
Percentage of men	7.7	7.7
Percentage of recidivists	13.2	17.3
Percentage of thieves	18.8	27.7
Percentage condemned by the senate	27.1	9.6
Percentage escorted by honorable person	56.5	83.3
Percentage infected with syphilis	26.8	30.8

There was a slight tendency to keep thieves for a longer period, but, on the whole, the distribution of types of offenses in the before-expiration and after-expiration groups does not deviate markedly from that among the

total population. The only other conspicuous difference was with respect to the average term to begin with. This is perfectly understandable, since persons with a relatively heavy sentence were unlikely to be kept longer for yet a longer period. Note that the after-expiration group began with a mean term of 1 3/4 year, which is considerably longer than Rusche's 'few days'. The persons released earlier cannot have been set free because of severe unprofitability, since they remained in the house almost as long as their counterparts did. The contrast with respect to the term imposed also explains those with respect to the person escorting an inmate to prison and the condemning agency. So far for the marked differences. A convict's age and sex would have been influential factors if economic considerations determined release or stay. The perfect similarity between the two groups on these points, therefore, is highly significant. The differences with respect to recidivism and syphilis, finally, are too slight to attribute importance. Moreover, as far as the latter variable is concerned, the contrast, had it been caused by economic considerations, should have been the other way around. Possibly, some women who had stayed in the poxhouse had to make up for the time spent out of prison. In only two cases, however, was the duration of the cure longer than the period during which the women in question were kept beyond the expiration of their term. One inmate, Maria Köhn, was even sent to the poxhouse after her term had already expired and still she returned to the spinhouse afterwards.(42) These figures confirm my thesis. Whatever arbitrariness there has been was not caused by the wish to retain strong persons and get rid of the weaker ones. Those who obtained a pardon were able to marshall the help of relatives or friends. The others had no one to care about them and some may even have been ignorant of their term. Keeping prisoners for a longer time than determined in their sentence must have been the result of carelessness or indifference.(43)

Conclusion

By themselves, the quantitative data analyzed in this article are insufficient as evidence for the broad generalizations with which I started. They have to be supplemented by qualitative evidence. I summarized that evidence in the introduction. Prisons spread over Europe during the seventeenth and eighteenth centuries, playing an increasingly important role in the penal system. The paternalistic terminology with respect to imprisonment and the insistence on a married couple leading the institution showed that the family was a model for prison life. These observations serve to warn us again that statistical and non-statistical approaches should be integrated in order to arrive at a meaningful historical analysis. The

quantitative evidence discussed here was to shed more light on the development of imprisonment into a penal sanction by presenting figures on beggars and convicts as inmates of prison-workhouses. In addition, it was used to test the thesis that the idea of the prison as a household meant that inmates were not selected primarily for their economic contribution.

With regard to beggars, only tentative conclusions can be drawn. At the end of the sixteenth and the middle of the seventeenth century, the periods for which I had data, beggars tended to be older than convicts (the career criminals imprisoned at Delft in a somewhat later period excluded). This must have contributed to a tendency to see the two groups of potential inmates as distinct categories. Within the entire system of supervision of the foreign poor - migrants who came to town looking for work and who hoped to support themselves through begging while they were soliciting - prison-workhouses played only a marginal role. This is highlighted by the fact that, among the unemployed migrants of 1597-8, twenty times as many persons were simply ordered to leave town as there were imprisoned. Prison-workhouses never represented an effective system of controlling the marginal population. Their function was largely symbolic, demonstrating that the fate of forced labor awaited 'lazy beggars'. The authorities must soon have realized that this show did not work as an effective means of repression with regard to problems of poverty and marginality. That may have contributed to raising the idea of using prison-workhouses to imprison convicts instead. In Amsterdam the latter group had always been represented among the inmates and, from the opening of the workhouse onward, the rasphouse was exclusively a criminal prison. In other towns, and especially in Germany, this development took a longer time. Whereas the Delft tuchthuis admitted all types of criminals from its opening in 1677, the Hamburg spinhouse mainly functioned as a prison for prostitutes until the early eighteenth century.

The most original contribution of the quantitative analysis of this article is with respect to terms of stay. The evidence from entry books supports the contention that an inmate's labor power was not a likely determinant of the actual length of his or her stay in prison. This confirms my thesis that prison-workhouses were seen as disciplinary institutions, constituting a sort of complex households, rather than as manufactories or training schools.

Notes

1. I am grateful to the participants in the session at Madrid for their comments, in particular to Jan Sundin, who served as a discussant, and to Eric Johnson, who edited the article for this journal.
2. Gatrell 1980, Hay 1982.
3. A recent synthesis is Diederiks 1989. See also his contribution to the present volume.
4. For one example: Spierenburg 1984: ch. five.
5. Zysberg 1987.
6. See Spierenburg 1984.
7. Spierenburg forthcoming: chs. two and seven.
8. Faber 1983: 191-9; Spierenburg 1987: 446-7.
9. See Diederiks 1989.
10. Among others: Stekl 1978; Stier 1988.
11. Benabou 1987; Zysberg 1987.
12. Spierenburg forthcoming: chs. six (section one) and chs.nine-ten.
13. Spierenburg forthcoming: ch. six (section two).
14. Spierenburg forthcoming: chs. four and seven (section one)
15. GAA « Gemeentearchief Amsterdam, 347: nr. 562.
16. GAA, 5020: nr.H, fo.61vs.
17. See Hout 1927: 79; **Ordnung 1598 (unpaginated)**.
18. Pontanus 1614 (orig. ed. 1611); Historie 1612.
19. Oldewelt 1942: 31-3. The counts performed under **Oldewelt's supervision** are not always accurate (see Spierenburg 1984: 209), but in this case the margin or error can only have been small.
20. For years of dearth: Faber (J.A.) 1976.
21. Handvesten 1748: 456.
22. On the punishment of beggars and gypsies in Amsterdam, see Faber (Sjoerd) 1983: 74-7; Spierenburg 1984: 129-30, 174.
23. GAD - Gemeente-archief Delft, Stad: nrs. 1224, 1227, 1228 and 2001-1, fo. 104-110vs(and copy in nr. 2010); St. Joris: nr. 59-1, pp.1-7 and 18 et seq.
24. Two volumes: GAD, Stad: nr. 2120a. Howard (1792: 52) counted 90 inmates at Delft in the 1770's and 47 men and 36 women in 1781. He did not specify the categories to which they belong.
25. The Delft entry books themselves **seldom mention the offense; this** information was collected additionally from the card-system of the town's court records at the GAD.
26. SAH = Staatsarchiv Hamburg, 242-1-1: nr. C1-2, pp. 207-10.
27. SAH, 242-1-1: **nr. C1-1, p. 186.**
28. SAH, 242-1-1, nr. C1-1, pp. 114, 133, 136 and C1-2, pp. 188 et seq.

29. GAA, 5061: nrs. 581, fos. 149vs and 151; 585, fo. 143, 598, fos. 3 and 10vs.
30. GAD, Stad: nr. 2001-11 (2 April 1696).
31. Rusche/Kirchheimer 1939: 6a5.
32. Bontemantel (1897, I: 281) confirms that a possible lengthening of a prisoner's term normally followed upon a demand by the schout.
33. SAH, 242-1-1: nr. C1-2, p.1.
34. SAH, 242-1-1: nr. C1-2, p.211.
35. Grambow 1910, 44-5.
36. Stier 1988: 130-2.
37. SAH, 242-1-1: nr. A29-1, fo. 30-7.
38. SAH, 242-1-1: nr. C1-1, p. 63,
39. SAH, 242-1-1: nr. C1-1, p. 205 and C1-2, pp. 55, 105, 122.
40. SAH, 242-1-1: nr. C1-1, pp. 121, 144, 147 and C1-2, p. 68 and A29-1, p.44.
41. SAH, 242-1-1, nr. C1-2, p. 300.
42. SAH, 242-1-1: nr. C1-2, p. 131. She stayed for more than three years after the expiration of her term. If we exclude this exceptional case, there are 15 women from the after-expiration group who stayed in the poxhouse. When we subtract the number of days their cure lasted from the number of days they were kept extra, the average comes out at + 133.
43. That was also recorded in Celle a couple of times: Emmermann 1921: 41. For pardons: pp. 28-9.

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